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Shelby Cnty Judge of Probate, AL
06/13/2005 01:48:48PM FILED/CERT

IN THE CIRCUIT COURT OF **SHELBY** COUNTY, ALABAMA

Dayrel Hammonds
and wife, Freda Hammonds
Plaintiff(s)

v.

Civil Action No.: **003-0205**

One acre situated in the SE1/4 of the NW1/4
of Section 9, Township 19, Range 2 East,
more particularly described as follows:
Commence at an iron pin on the Northeast
corner of a bridge crossing Spring Creek or
Spring Branch on Shelby County Highway No.
81, said point being in the NE1/4 of SW1/4 of
Section 9, Township 19 South, Range 2 East;
thence run due East parallel with the North line
of said 1/4-1/4 Section a distance of 20 feet,
more or less, to a point on the East right-of-way
line of said Shelby County Highway No. 81;
thence run Northerly along the East right-of-way
line of said Shelby County Highway No. 81; a
distance of 340 feet to the point of beginning of
the parcel herein described; thence run in an
Easterly direction along the North line of the
Fred W. Lucas and Patsy Lucas property as
described in Deed Book 294, page 94, a
distance of 420 feet to a point; thence run in a
Northeasterly direction parallel to the East
right-of-way line of said Shelby County Highway
No. 81 a distance of 105 feet to a point; thence
run Westerly a distance of 420 feet to a point on
the East right-of-way line of Shelby County
Highway No. 81, said point being 105 feet
measured along said right-of-way Northerly of
the point of beginning; thence run Southerly
along the East right-of-way line of Shelby County
Highway No. 81, 105 feet to the point of beginning)
This is also the same property as from surveys by
Billy Martin dated August 24, 2001:
Commencing at the Southwest Corner of the
Northwest 1/4 of the Southeast 1/4 of Section 9,
Township 19 South, range 2 East; thence N 90
deg 00' 0" E along the South boundary of said
Quarter-Quarter Section a distance of 321.30

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MARY H. HARRIS

MAY 16 2005

CIRCUIT & DISTRICT
COURT CLERK
SHELBY CO.



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feet to a point; thence N 01 deg 00'00" W a)
distance of 838.32 feet to a point; thence N 64)
deg 58'39" W a distance of 989.81 feet to a 5/8")
capped rebar set, said point being the point of)
beginning of herein described parcel of land;)
thence S 51 deg 10'18" W a distance of 16.66)
feet to a 5/8" capped rebar set; thence N 65 deg)
15'38" W a distance of 158.83 feet to a 5/8" cap-)
ped rebar set on the Easterly boundary of Shelby)
County Highway #81 (60' R/W); thence N 04 deg)
14'28" E along said right-of-way a distance of)
16.06 feet to a crimp top pipe on said right-of-)
way; thence S 65 deg 14'42" E and leaving said)
right-of-way a distance of 155.16 feet to a 1/2")
open top pipe; thence S 64 deg 58'39" E a dis-)
tance of 16.71 feet to the point of beginning,)
having 0.06 of an acre more or less.)
)

Commencing at the Southwest Corner of the)
Northwest 1/4 of the Southeast 1/4 of Section 9,)
Township 19 South, Range 2 East; thence N 90)
deg 00'00" E along the South boundary of said)
Quarter-Quarter Section a distance of 321.30)
feet to a point; thence N 01 deg 00'00" W a)
distance of 730.60 feet to a point; thence N 65)
deg 04'33" W a distance of 751.67 feet to a 5/8")
capped rebar set, said point being the point of)
beginning of herein described parcel of land;)
thence N 65 deg 04'33" W a distance of 420.06)
feet to a flat iron on the Easterly boundary of)
Shelby County Highway 81 (60' R/W); thence)
N 04 deg 14'29" E along said right-of-way a)
distance of 88.86 feet to a 5/8" capped rebar)
set; thence S 65 deg 15'38" E leaving said right-)
of-way a distance of 158.83 feet to a 5/8" capped)
rebar set; thence N 51 deg 10'18" E a distance of)
16.66 feet to a 5/8" capped rebar set; thence 64)
deg 59'20" E a distance of 248.24 feet to a 1/2")
slick pin; thence S 04 deg 16'46" W a distance of)
104.95 feet the point beginning, having 0.89)
acres, more or less.)
)

AND Jimmy Abbott and wife Shirley Abbott,)
David Allen Miller and wife, Susan Miller,)
Frontier National Bank, Vincent Branch fka)

First Bank of Childersburg, John D. Williamson,)
William F. Cleveland and Christine Cleveland,
Janie Snider, Level 3 LLC and Tenco Credit
Union whose addresses are known and any)
and all unknown parties, including any persons)
claiming any present interest therein and)
including any persons claiming any future,)
contingent, reversionary, remainder, or other)
interest therein, who may claim any interest in)
the above described property, et al)
DEFENDANTS)

JUDGMENT

This cause came to be heard on the 12th day of April, 2005. Upon consideration of the verified Complaint, including facts that all defendants were known to Plaintiffs and there were no unknown defendants after due diligence by the Plaintiffs in said Civil Action and directing notice to the Defendants and the lis pending recorded in the Office of the Judge of Probate of Shelby County, Alabama, proof of publication of notice of pendency of this proceeding and all answers of some defendants and default judgments against some defendants and testimony taken under oath, the Court makes the following as findings of fact, among other things;

That the Plaintiff Freda Hammonds at the time of filing this Complaint in this cause, claims in her own right the fee simple title to and was in actual peaceable possession of the following described lands and her husband Daryl Hammonds by virtue of any homestead rights in said described property;

One acre situated in the SE1/4 of the NW1/4 of Section 9, Township 19, Range 2 East, more particularly described as follows: Commence at an iron pin on the Northeast corner of a bridge crossing Spring Creek or Spring Branch on Shelby County Highway No. 81, said point being in the NE1/4 of SW1/4 of Section 9, Township 19 South, Range 2 East; thence run due East parallel with the North line of said 1/4-1/4 Section a distance of 20 feet, more or less, to a point on the East right-of-way line of said Shelby County Highway No. 81; thence run Northerly along the East right-of-way line of said Shelby County Highway No. 81; a distance of 340 feet to the point of beginning of the parcel herein described; thence run in an Easterly direction along the North line of the Fred W. Lucas and Patsy Lucas property as described in Deed Book 294, page 94, a distance of 420 feet to a point; thence run in a Northeasterly direction parallel to the East right-of-way line of said Shelby County Highway No. 81 a distance of 105 feet to a point; thence run Westerly a distance of 420 feet to a point on the East right-of-way line of Shelby County Highway No. 81, said point being 105 feet measured along said right-of-way Northerly of the point of beginning; thence run Southerly along the East right-of-way line of Shelby County Highway No. 81, 105 feet to the point of beginning.

This is also the same property as from surveys by Billy Martin dated August 24, 2001 and is now the correct legal description of said property:

Commencing at the Southwest Corner of the Northwest 1/4 of the Southeast 1/4 of Section 9, Township 19 South, range 2 East; thence N 90 deg 00' 0" E along the South boundary of said Quarter-Quarter Section a distance of 321.30 feet to a point; thence N 01 deg 00'00" W a distance of 838.32 feet to a point; thence N 64 deg 58'39" W a distance of 989.81 feet to a 5/8" capped rebar set, said point being the point of beginning of herein described parcel of land; thence S 51 deg 10'18" W a distance of 16.66 feet to a 5/8" capped rebar set; thence N 65 deg 15'38" W a distance of 158.83 feet to a 5/8" capped rebar set on the Easterly boundary of Shelby County Highway #81 (60' R/W); thence N 04 deg 14'28" E along said right-of-way a distance of 16.06 feet to a crimp top pipe on said right-of-way; thence S 65 deg 14'42" E and leaving said right-of-way a distance of 155.16 feet to a 1/2" open top pipe; thence S 64 deg 58'39" E a distance of 16.71 feet to the point of beginning, having 0.06 of an acre more or less.

Also, commencing at the Southwest Corner of the Northwest 1/4 of the Southeast 1/4 of Section 9, Township 19 South, Range 2 East; thence N 90 deg 00'00" E along the South boundary of said Quarter-Quarter Section a distance of 321.30 feet to a point; thence N 01 deg 00'00" W a distance of 730.60 feet to a point; thence N 65 deg 04'33" W a distance of 751.67 feet to a 5/8" capped rebar set, said point being the point of beginning of herein described parcel of land; thence N 65 deg 04'33" W a distance of 420.06 feet to a flat iron on the Easterly boundary of Shelby County Highway 81 (60' R/W); thence N 04 deg 14'29" E along said right-of-way a distance of 88.86 feet to a 5/8" capped rebar set; thence S 65 deg 15'38" E leaving said right-of-way a distance of 158.83 feet to a 5/8" capped rebar set; thence N 51 deg 10'18" E a distance of 16.66 feet to a 5/8" capped rebar set; thence 64 deg 59'20" E a distance of 248.24 feet to a 1/2" slick pin; thence S 04 deg 16'46" W a distance of 104.95 feet the point beginning, having 0.89 acres, more or less.

That Freda Hammonds acquired the property from her mother in law, Mary E. Sisk, Mary E. Sisk acquired the property in 1975 from Cloiece Williamson, an unmarried man, by virtue of deed recorded in Deed Book 295 at Page 505 in the Office of the Judge of Probate of Shelby County on November 13, 1975.

That Freda Hammonds and Mary E. Sisk is and have been since 1982, in the actual, peaceable, notorious, adverse possession of the above described property, claiming to own the same, being the same property described in the caption to this complaint, and has held and holds color of title to the said lands, being the fee simple interest therein so claimed, for a period of ten or more consecutive years next preceding the filing of this complaint, and Plaintiff has duly assessed and paid ad valorem taxes thereon during Plaintiff's period of ownership.

That the Defendants have been properly served and have filed an answer to said Plaintiff's Complaint.

That the Defendants are the owners or have an interest in said property adjoining Plaintiff's property described herein above.

That Defendants Jimmy Abbott and wife Shirley Abbott claim no interest in said above described property except as to a lease agreement executed between Plaintiff and Defendants.

David Allen Miller and wife, Susan Miller, Frontier National Bank, Vincent Branch fka First Bank of Childersburg, John D. Williamson, William F. Cleveland and Christine Cleveland, Janie Snider, Level 3 LLC and Tenco Credit Union, who are of legal age and any and all parties, including any persons claiming any present, future, contingent, reversionary, remainder, or other interest therein who may claim any interest in this property. Plaintiff is not aware of any such persons who make any such claims who are not individually named herein as Defendants.

That Plaintiff knows of is no suit pending to test or determine the title to or any interest in, or right of possession of the Plaintiff in or to the said lands or any part thereof, and that no suit is pending to test or determine any other title to, interest in, or right of possession of the said lands or any part thereof.

That notice of the pendency of said complaint was issued by the court and published once a week for four consecutive weeks in the **Shelby County Reporter** a newspaper having general circulation and published in **Shelby** County, Alabama on the following dates; April 2, 2003, April 9, 2003, April 16, 2003 and April 23, 2003.

That it has been more than thirty days since the last publication of said notice and the filing of a certified copy of said notice in the Office of the Judge of Probate **Shelby** County, Alabama.

That all of the allegations of fact contained in the complaint are true; that there was proper service of process on all of the Defendants named in the complaint.

There are no other named Defendants hereto because the Plaintiff has made diligent inquiry and has not been able to ascertain any other person or persons making claim to or interest in the said lands.

The Plaintiff does not know of any person who claims any interest in the above described lands or any part thereof, or lien thereon, or encumbrance thereon, except as alleged in this Complaint.

That Defendant John D. Williamson and the Estate of Mary E. Sisk have executed a deed transferring all their interest to Plaintiff dated October 25, 2003 and that the legal description in said deed is the same property as from surveys by Billy Martin dated August 24, 2001.

That William F. Cleveland has deceased and Christine Cleveland is the sole owner of the property adjoining Plaintiffs above described property. That Christine Cleveland was represented by counsel of record, Hewitt L. Conwill

The Plaintiff has named as Defendant thereto all persons who have had possession of the above described lands or any part thereof within ten years next preceding the filing of this complaint or who are all known to Plaintiff to claim any part or interest in said lands.

That the Court finds that the Complaint filed in the civil action complies in all respects with the requirements of Ala. Code Section 6-6-560 and 6-6-561 and it is in the opinion of this Court that Plaintiffs are entitled to the relief prayed for in said Complaint.

It is therefore **ORDERED JUDGED AND DECREED:**

1. That the right, title, interest and ownership of the Plaintiffs in and to the property is hereby established and forever quieted and against the property described as:

Commencing at the Southwest Corner of the Northwest 1/4 of the Southeast 1/4 of Section 9, Township 19 South, range 2 East; thence N 90 deg 00' 0" E along the South boundary of said Quarter-Quarter Section a distance of 321.30 feet to a point; thence N 01 deg 00'00" W a distance of 838.32 feet to a point; thence N 64 deg 58'39" W a distance of 989.81 feet to a 5/8" capped rebar set, said point being the point of beginning of herein described parcel of land; thence S 51 deg 10'18" W a distance of 16.66 feet to a 5/8" capped rebar set; thence N 65 deg 15'38" W a distance of 158.83 feet to a 5/8" capped rebar set on the Easterly boundary of Shelby County Highway #81 (60' R/W); thence N 04 deg 14'28" E along said right-of-way a distance of 16.06 feet to a crimp top pipe on said right-of-way; thence S 65 deg 14'42" E and leaving said right-of-way a distance of 155.16 feet to a 1/2" open top pipe; thence S 64 deg 58'39" E a distance of 16.71 feet to the point of beginning, having 0.06 of an acre more or less.

Also, commencing at the Southwest Corner of the Northwest 1/4 of the Southeast 1/4 of Section 9, Township 19 South, Range 2 East; thence N 90 deg 00'00" E along the South boundary of said Quarter-Quarter Section a distance of 321.30 feet to a point; thence N 01 deg 00'00" W a distance of 730.60 feet to a point; thence N 65 deg 04'33" W a distance of 751.67 feet to a 5/8" capped rebar set, said point being the point of beginning of herein described parcel of land; thence N 65 deg 04'33" W a distance of 420.06 feet to a flat iron on the Easterly boundary of Shelby County Highway 81 (60' R/W); thence N 04 deg 14'29" E along said right-of-way a distance of 88.86 feet to a 5/8" capped rebar set; thence S 65 deg 15'38" E leaving said right-of-way a distance of 158.83 feet to a 5/8" capped rebar set; thence N 51 deg 10'18" E a distance of 16.66 feet to a 5/8" capped rebar set; thence 64 deg 59'20" E a distance of 248.24 feet to a 1/2" slick pin; thence S 04 deg 16'46" W a distance of 104.95 feet the point beginning, having 0.89 acres, more or less.

Being the same property as conveyed by Defendant John D. Williamson and the Estate of Mary E. Sisk have executed a corrective deed transferring all their interest to Mary E. Sisk, which deed is dated October 25, 2003 as described below:

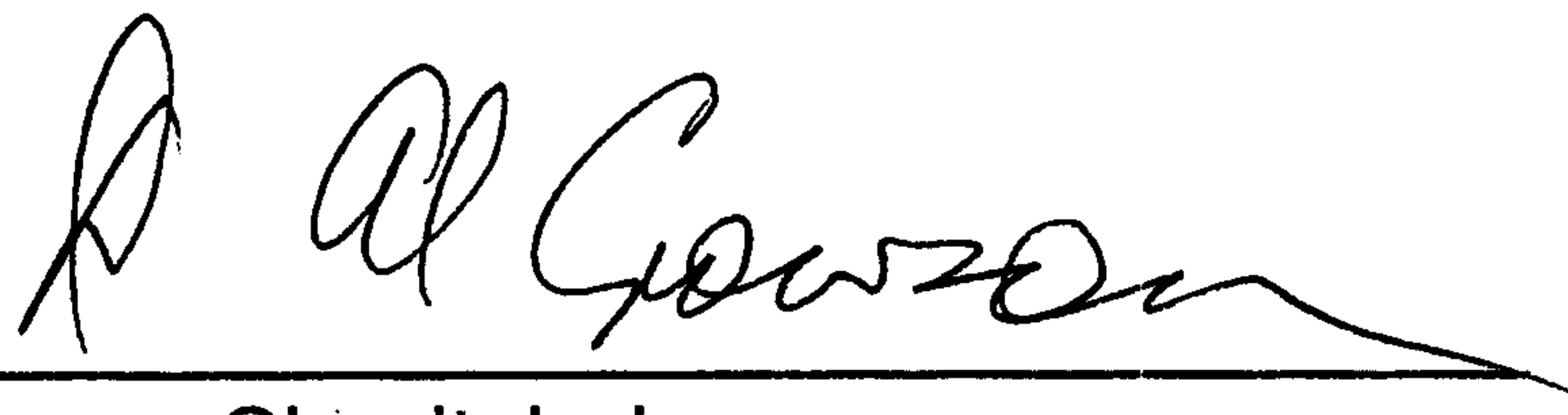
One acre situated in the SE1/4 of the NW1/4 of Section 9, Township 19, Range 2 East, more particularly described as follows: Commence at an iron pin on the Northeast corner of a bridge crossing Spring Creek or Spring Branch on Shelby County Highway No. 81, said point being in the NE1/4 of SW1/4 of Section 9, Township 19 South, Range 2 East; thence run due East parallel with the North line of said 1/4-1/4 Section a distance of 20 feet, more or less, to a point on the East right-of-way line of said Shelby County Highway No. 81; thence run Northerly along the East right-of-way line of said Shelby County Highway No. 81; a distance of 340 feet to the point of beginning of the parcel herein described; thence run in an Easterly direction along the North line of the Fred W. Lucas and Patsy Lucas property as described in Deed Book 294, page 94, a distance of 420 feet to a point; thence run in a Northeasterly direction parallel to the East right-of-way

line of said Shelby County Highway No. 81 a distance of 105 feet to a point; thence run Westerly a distance of 420 feet to a point on the East right-of-way line of Shelby County Highway No. 81, said point being 105 feet measured along said right-of-way Northerly of the point of beginning; thence run Southerly along the East right-of-way line of Shelby County Highway No. 81, 105 feet to the point of beginning.

2. That the clerk of this Court shall certify copies of this judgment and record same in the Office of the Judge of Probate of Shelby County, Alabama and the same shall be indexed in the same books and in the same manner in which deeds are recorded and said judgment shall be indexed in the name of the defendants against whom relief is granted in the direct index and name of the plaintiffs in possession of the property in the reverse index.

3. That the lease agreement executed between the Plaintiffs Freda Hammonds and Daryl Hammonds and the Defendants, Jimmy Abbott and wife Shirley Abbott prior to the filing of said Complaint shall remain in full force and effect.

4. Cost are taxed as paid.


Circuit Judge